

**MAYOR AND COUNCIL
PUBLIC HEARING**
Tuesday, December 9, 2003, 7:00 p.m.

Brylawski Property Annexation Request

Request for annexation and rezoning from County Agricultural to City R-1 of 15+/- acres adjoining the formerly known Enfield Farm, Daugherty Annexation, situated East of Jefferson Pike, and North of Brunswick Street, being landlocked, and adjoining the Western Limits of the City of Brunswick.

Rick Stup - See Attached Staff Report
The staff feels request is premature, will recommend denial.

**Obstruction Permit & Specifications for Placement of Utilities within City Street & Alley
Right-of-Way, Ordinance 407**

Staff proposal to require permits and specific procedures for placing utilities within City streets and right-of-ways.
Staff will recommend approval.

Planning & Zoning Administrative Fee Schedule, Resolution 03-09

Staff proposal to amend the Planning & Zoning Administrative Fee Schedule to add \$50 charge for placement of utilities within City streets or alley right-of-ways.

Public Comment Welcome.
NONE

**MAYOR AND COUNCIL
MEETING**

Tuesday, December 9, 2003, immediately following
AGENDA

Pledge

Roll Call - Harrington, Smith , Greenfield, Stull, Castle, and Bell.

Mayor's Remarks

Held employee Xmas party and employee recognition ceremony with Pat Smith obtaining her 30 year mark.

Received notification that our request for Community Legacy Grant has awarded us of \$30,000 of the \$60,000 that was requested.

Condolences to Harry George family with his passing.

Mike Cady, Frederick County Commissioner - Brief comments.

Approval of Minutes–November 10, November 12, November 18, November 25, 2003

Correction on November 18 Closed Meeting, changing Stuff to Stull.

Motion Stull

2nd Greenfield

Vote 6 - 0

Staff Reports/Committee Reports

Chief - No crime issues, Breaking & Enterings have ceased.

Kevin Brawner -

Thank Mayor & Council for extra day off and party.

Public Works - Dan Ryan taps, tap for Sponsellar, XMAS lights, etc. (See attached report)

Harrington - Mulch Site, any effort to get rid of old mulch.

Brawner - County has approved the pushing of old mulch over bank.

Water and Waste Water - 4.6 inches of rain last month.

Bell - Needs hours of operation of pump station at Galyn Manor.

Joe Moss - ARRO, believed WATEC may have supplied that information. Will attempt to locate.

Geri Reynolds - XMAS - Thanks to Lion's Club for oranges, Public Works, and Police help for event.

See attached Report

Helped Ambulance Company with grant for truck.

Rick Stup - (See attached report)

Hand delivered letter from SHA stating the entrance to Gayln Manor is substandard and if U&O's were issued City would assume liability. City attorney has been forwarded letter for advice.

Smith - Questions why we didn't meet with SHA inspectors to resolve problem.

Rick - Our inspector was not aware of situation until letter arrived. He has no jurisdiction in this area of entrance.

Mayor - Seems to be a “soft spot” in SHA’s role in this process.

Rick - Experience shows that no U&O would be issued without “ready letter”. There is flaw in process. The new Hansen System at County will help process.

Dave - Thanks Mayor & Council for XMAS party. Thanks for hard work by Geri, Public Works, and Rick Stup has upgraded the Planning Department process. ARRO’s inspector has been very effective thus far.

Joe Moss (ARRO) - (See Attached) Recent problems at Skate Board Park.

Bell - Propane Gas. Questions franchise fees.

Rick - Middletown waived the fees there.

Mayor - We wanted to establish franchise fees.

Rick - Will be contacting Thompson Gas for expertise.

Harrington - Public Works did great job shoveling streets.

Smith - Questions day after XMAS and if we should give to employees.

Stull - Campground is closed. Alternating Sentencing people shoveled snow.

Castle - Cleanup was success with 14 roll-offs costing \$2,900.

Business breakfast was success with next meeting in January.

EDC to have workshop with Park Service.

Bell - Questions sidewalk situation and money available.

Dave - We are working with Bill Ball and comparing available monies.

Citizens’ Forum

Kim Cable, 4th Ave. - G Street, concerns about opening of street. Issues regarding Storm Water, drainage, capacity, etc. Hunter’s Knoll is example of problems with erosion. DVL’s past performance is a reason not to open G St. Past promises by DVL have not been fulfilled. DVL has created Gum Springs LLC and sold land for project to new LLC.

Connie Koenig, East H St. - Complains about snow plowed on storm water drains @ 6th Ave., causing flooding.

Todd Morsak - Residents of H St object of G St opening. If opened, City will likely have same problem as H St.

Old Business:

Rick Stup - Brylawski Annexation Resolution
Planning Commission recommended denial.

E. Fulton Brylawski - Would like to amend petition and, if not possible, withdraw petition.

Rick Stup - R1 zoning is one of the lowest density allowed. Open Space or RS is lower.
Applicant can request continuance. Would have to go back to Planning & Zoning Commission.

Carole Larsen - The County finding of inconsistency was due to density allowed by R1 was inconsistent with Comprehensive Plan.

E. Fulton Brylawski - Would like to bring annexation in harmony with Comprehensive Plan and County Plan. Believes would allow north/south connector and round out town. Allow believed annexation would have to meet detailed criteria. Will not need any services from City until facilities are available. Only benefits to City. Requests continuance.

Bell - Questions what zoning would be used to pay taxes.

Rick - City only has one tax rate. This application does not proffer offerings for improvements, etc.

Smith - If changes in the annexation agreement included moratorium with building.

Rick - Probably can not be mandated but proffered. City Attorney had concerns that future owner could mandate water and sewer expansion later.

E. Fulton Brylawski - Would proffer agreement that stated no development for 5 years.

Mayor - Concerned with anticipated build out of Galyn Manor and Brunswick Crossing plus this annexation. Unsure whether City can manage this type of growth. "When is enough, enough?"

Smith - Motion to deny request.

2nd Stull

Vote 6 - 0

Rick Stup - Revised Administrative Fee Schedule Resolution 03-09

Motion to approve Resolutions - Stull

2nd Castle

Vote 6 - 0

Rick Stup - Right-of-Way Obstruction Permit and Specification Ordinance 409

Motion to approve Resolution - Stull

2nd Castle

Vote 6 - 0

Mayor - Appointment, Economic Development Commission–Bruce Funk

Mayor - Appointments, Board of Appeals–Dawn Page, Patricia O'Brien (Alternate)

Rick Stup - G Street Conditional Acceptance Request (See attached staff report)

David Severn, Attorney - Representing Gum Spring LLC. (Gary Castle and Bill Brennen present.) The LLC was formed with no malicious intent. Here for conditional acceptance only. Eleven lots were purchased. These lots have been shown as lots of record and G St. is shown. The law indicates that the owner of these lots is allowed an easement to City street (i.e. over Gum Springs to 9th Avenue.) Law also states that the 7 lots with frontage along G Street, owned by Gum Springs LLC., own the street to the center line. Meeting on June 6, 2002 met with town officials to discuss opening G Street. P&Z approved on Feb 2003. In Nov the P&Z acted and said the intersection is fine. City engineer has approved concept. City Mater Plan has G St. designated as through street. In 1987 a portion of G St was opened between 4th & 5th Ave. at request of Mr. Leopold, private property owner. In conclusion, as all criteria has been met and we request conditional approval. We accept staff recommendation. Request that G St be judged on its merit with no connection to H St.

Castle - States is not related to Mr. Castle of Gum Springs LLC.

Smith - Considers added traffic, erosion, added expense of plowing, etc. Not in best interest of City to open street.

David Severn, Attorney - In response to Mr. Smith's comment. G St is tied to the G St. project. There may be added expense for plowing, etc., this is offset as in many developments by added taxes. City record indicates no safety issues with opening. City has approved, via Mater Plan, to develop street.

Smith - Are there any other streets not developed in Master Plan.

Rick - Correct. There is a number of platted streets that have not been developed due to topography.

Castle - It is not true that Master Plan is objectives and may be completed?

Rick - Plan is goals.

Mayor - Even with new taxes, there are other issues to consider. Bottom line is to consider all aspects as pointed out by Mr. Severn.

David Severn, Attorney - Four Gum Springs lots are not on G St. but Gum Springs Rd. LLC has rights to access as private roadway.

Smith - Motion - To reject application for opening

2nd - Harrington

Vote 6 - 0

Rick Stup - Development Attorney Consultant Contract

Short listed attorneys at Council's request. Contract has been developed for Council's review. (Attached)

Staff recommends consultant contract with Stern & Thornton effective Nov 26, 2003.

Motion Stull

2nd Bell

Vote 6 - 0

New Business:

Key Sanitation – Bob Clark - Report on Town Trash Collection

(Presentation attached)

Cardboard - County states blue bin must be out to pick up.

Mayor - Some complaints about cardboard next to blue bin not being picked up. If cardboard is flatten and tied and not picked up will Key Sanitation pick it up.

Bob Clarke - Not currently.

Mayor - How will we deal with this.

Bob Clarke - Will pick it up if City so desires. Survey found 73 residents had cardboard out not broken down properly.

Mayor - Two prong approach. Determine cause and assure County will pick up. We should contact recycling coordinator.

Castle - Does County in commercial area. Biggest recycling area could commercial.

Bob Clarke - No

Bell - City had satellite originally and County removed it. City needs satellite bin back.

Mike Cady - Will personally look into recycling pickup. Brunswick being the second largest municipality should be able to get satellite.

Smith - The reason given was that the land was sold. May have been no other place available. Rt. 17 by Rosemont is Park n Ride that could be used.

Bob Clarke - Mt. Airy participation is 60% compared with 25% in City.

Mayor - Dave can do some education on channel 99.

Rick Stup - Master Plan Update Proposal

Due to start-up date in 2004, last draft was not published due to graphic problem.

Staff recommends to proceed and re-approve current plan, which satisfies State, and work with County Planning Commission towards update during Brunswick Region Plan update.

Motion Stull to approve concept of reapproval of current plan and work with County for update
2nd Smith

Vote 6 - 0

Motion to not to have second meeting

2nd Castle

Vote 6 - 0

Smith - Motion to give employees day after XMAS and day after New Year's Day.

2nd Castle

Vote 6 - 0

Adjournment - 10:00 p.m.

Approved By: _____
Mayor Date

Witnessed By: _____
City Administrator Date